IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1564 OF 2006

IN

FIRST APPEAL NO. 1577 OF 2003

M/s. Heera Construction Co.
Engineer and Developers ... Applicant

V/s.

1. Devendrakumar Neelakant and ors... Respondents.

Shri S.V. Palsuledesai and R.S. Datar for Applicant
Shri R.D. Suryawanshi for Respondent No.1

CORAM : S.R. SATHE, J.

DATED : 26TH APRIL, 2006.

P.C.:-

. Heard both the learned Advocates.

. Admittedly as per order dated 16-3-2004 the Applicant failed to deposit the amount of Rs.7 lacs. Ad-interim relief in terms of prayer clause (a) which was granted earlier by order dated 16-3-2004 was vacated by order of this Court dated 21-7-2005. Now it is submitted on behalf of the applicant that now by virtue of this application the applicant/appellant has submitted that due to

his financial difficulties and other family problems, he could not deposit the amount of Rs.7 lacs. But today he is ready to give demand draft of Rs.7 lacs in the name of Registrar, High Court, A.S., Bombay and as such stay to execution of the decree be granted. It is needless to say that there is inordinate delay on the part of the applicant in making payment. It was submitted on behalf of the Advocates that decree is for about Rs.16 lacs. When such is the position decree passed in Special Civil Suit No.86 of 1999 by the Court of the Civil Judge, S.D., Kalyan, if not executed as yet, is stayed on a condition that the applicant to deposit demand draft of Rs.7 lacs in the name of Registrar, High Court, A.S., Bombay today and shall further deposit the amount of Rs.7 lacs in this Court on or before 6-6-2006 failing which the stay shall automatically stand vacated.

. C.A. disposed of accordingly.

(S.R.SATHE,J.)